

# **Appendix A7**

## Smart Growth Screening Tool

# Smart Growth Screening Tool

PIN 5512.52

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## Smart Growth Screening Tool (STEP 1)

**NYSDOT & Local Sponsors** – Fill out the Smart Growth Screening Tool until the directions indicate to **STOP** for the project type under consideration. For all other projects, complete answering the questions. For any questions, refer to [Smart Growth Guidance](#) document.

Title of Proposed Project: NYS Route 33, Kensington Expressway Project

Location of Project: City of Buffalo, Erie County, NY

**Brief Description:** The Kensington Expressway between approximately Dodge Street and Sidney Street would be reconstructed on a new vertical alignment approximately 8 feet to as much as 20 feet below the existing pavement surface. To transition back to existing grade, the northern limit of pavement reconstruction would be as far north as Northland Avenue and as far south as High Street. The horizontal alignment would be similar to the existing alignment. The existing bridge structures at East Ferry Street, East Utica Street, Northampton Street, and Dodge Street would be removed; the newly constructed tunnel would reconnect these streets at-grade. The bridge at Best Street would be replaced. The partial interchange between Northampton Street and East Utica Street would be eliminated and improvements to the ramps on Best Street would be incorporated. Humboldt Parkway would be completely reconstructed on a new alignment while implementing “Complete Street” roadway design features (e.g., traffic calming, curb ramps, crosswalks, bicycle lanes, and pedestrian/bicycle signals). The newly created greenspace above the Kensington Expressway (between the northbound and southbound Humboldt Parkway) would be an at-grade median with landscaping and pedestrian amenities. A layer of soil would be placed on top of the roof slab (approximately 3 feet deep) to allow for landscaping. The Project also includes rehabilitation of City of Buffalo Streets adjacent to the transportation corridor. The bounding street limits for this work are generally High Street to the south, Northland Avenue to the north, Fillmore Avenue to the east, and Wohlers Avenue to the west. Rehabilitation (1R) with multi-modal upgrades are anticipated on these streets.

### A. Infrastructure:

#### Addresses SG Law criterion a. –

(To advance projects for the use, maintenance or improvement of existing infrastructure)

1. Does this project use, maintain, or improve existing infrastructure?

Yes

No

N/A

**Explain:** (use this space to expand on your answers above – the form has no limitations on the length of your narrative)

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The purpose of the Project is to reconnect the community surrounding the Kensington Expressway's defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location.

## Maintenance Projects Only

a. Continue with screening tool for the four (4) types of maintenance projects listed below, as defined in **NYSDOT PDM Exhibit 7-1 and described in 7-4:**

<https://www.dot.ny.gov/divisions/engineering/design/dqab/pdm>

- ➔ Shoulder rehabilitation and/or repair;
- ➔ Upgrade sign(s) and/or traffic signals;
- ➔ Park & ride lot rehabilitation;
- ➔ 1R projects that include single course surfacing (inlay or overlay), per Chapter 7 of the NYSDOT Highway Design Manual.

b. For all other maintenance projects, **STOP here**. Attach this document to the programmatic [Smart Growth Impact Statement and signed Attestation](#) for Maintenance projects.

For all other projects (**other than maintenance**), continue with screening tool.

## B. Sustainability:

NYSDOT defines Sustainability as follows: A sustainable society manages resources in a way that fulfills the community/social, economic and environmental needs of the present without compromising the needs and opportunities of future generations. A transportation system that supports a sustainable society is one that:

- ➔ Allows individual and societal transportation needs to be met in a manner consistent with human and ecosystem health and with equity within and between generations.
- ➔ Is safe, affordable, and accessible, operates efficiently, offers choice of transport mode, and supports a vibrant economy.
- ➔ Protects and preserves the environment by limiting transportation emissions and wastes, minimizes the consumption of resources and enhances the existing environment as practicable.

For more information on the Department's Sustainability strategy, refer to Appendix 1 of the Smart Growth Guidance and the NYSDOT web site, [www.dot.ny.gov/programs/greenlites/sustainability](http://www.dot.ny.gov/programs/greenlites/sustainability)

(Addresses SG Law criterion j : to promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future

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generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain and implement.)

1. Will this project promote sustainability by strengthening existing communities?

Yes  No  N/A

2. Will the project reduce greenhouse gas emissions?

Yes  No  N/A

**Explain:** (use this space to expand on your answers above)

The Project will promote sustainability and strengthen existing communities by creating new roadway connections, improving infrastructure for bicyclists and pedestrians by implementing Complete Street roadway design features, and creating a new continuous greenspace to enhance the visual and aesthetic environment of the transportation corridor.

## C. Smart Growth Location:

Plans and investments should preserve our communities by promoting its distinct identity through a local vision created by its citizens.

(Addresses SG Law criteria b and c: to advance projects located in municipal centers; to advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan.)

1. Is this project located in a developed area?

Yes  No  N/A

2. Is the project located in a municipal center?

Yes  No  N/A

3. Will this project foster downtown revitalization?

Yes  No  N/A

4. Is this project located in an area designated for concentrated infill development in a municipally approved comprehensive land use plan, waterfront revitalization plan, or Brownfield Opportunity Area plan?

Yes  No  N/A

**Explain:** (use this space to expand on your answers above)

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The Project is located within a developed area and a municipal center. The Study Area is primarily residential with single- and multi-family homes directly surrounding the Kensington Expressway and a number of commercial and mixed-use areas along the major thoroughfares, such as Fillmore Avenue, Genesee Street, East Ferry Street, and Northland Avenue. The Study Area also contains a mix of educational facilities, places of worship, public services, and civic institutions.

The Project will not influence the revitalization of downtown areas. The Project is located within a municipal center.

The Project is not located in an area designed for concentrated infill development in a municipally approved comprehensive land use plan, waterfront revitalization plan, or brownfield opportunity area.

## D. Mixed Use Compact Development:

Future planning and development should assure the availability of a range of choices in housing and affordability, employment, education transportation and other essential services to encourage a jobs/housing balance and vibrant community-based workforce.

(Addresses SG Law criteria e and i: to foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income groups; to ensure predictability in building and land use codes.)

1. Will this project foster mixed land uses?

Yes  No  N/A

2. Will the project foster brownfield redevelopment?

Yes  No  N/A

3. Will this project foster enhancement of beauty in public spaces?

Yes  No  N/A

4. Will the project foster a diversity of housing in proximity to places of employment and/or recreation?

Yes  No  N/A

5. Will the project foster a diversity of housing in proximity to places of commercial development and/or compact development?

Yes  No  N/A

6. Will this project foster integration of all income groups and/or age groups?

Yes  No  N/A

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7. Will the project ensure predictability in land use codes?

Yes  No  N/A

8. Will the project ensure predictability in building codes?

Yes  No  N/A

**Explain:** (use this space to expand on your answers above)

Under the Build Alternative, the newly created greenspace above the Kensington Expressway (between the northbound and southbound Humboldt Parkway) would be an at-grade median with landscaping and pedestrian amenities. A layer of soil would be placed on top of the roof slab (approximately 3 feet deep) to allow for landscaping. Other streetscape amenities, such as benches and sidewalks/walkways, would be incorporated into the overall design. Additional greenspace would be located adjacent to the Martin Luther King, Jr. Park and would provide landscaping opportunities, better integrating the corridor with this recreational resource. Furthermore, Humboldt Parkway would be completely reconstructed on a new alignment while implementing “Complete Street” roadway design features (e.g., traffic calming, curb ramps, crosswalks, bicycle lanes, and pedestrian/bicycle signals).

## E. Transportation and Access:

NYS DOT recognizes that Smart Growth encourages communities to offer a wide range of transportation options, from walking and biking to transit and automobiles, which increase people’s access to jobs, goods, services, and recreation.

(Addresses SG Law criterion f: to provide mobility through transportation choices including improved public transportation and reduced automobile dependency.)

1. Will this project provide public transit?

Yes  No  N/A

2. Will this project enable reduced automobile dependency?

Yes  No  N/A

3. Will this project improve bicycle and pedestrian facilities (such as shoulder widening to provide for on-road bike lanes, lane striping, crosswalks, new or expanded sidewalks or new/improved pedestrian signals)?

Yes  No  N/A

(Note: Question 3 is an expansion on question 2. The recently passed Complete Streets legislation requires that consideration be given to complete street design features in the planning, design, construction, reconstruction and rehabilitation, but not including resurfacing, maintenance, or pavement recycling of such projects.)

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**Explain:** (use this space to expand on your answers above)

The Project will reconstruct the Kensington Expressway between approximately Dodge Street and Sidney Street on a new vertical alignment approximately 8 feet to as much as 20 feet below the existing pavement surface. The area is currently served by bus routes. The Project will not increase or decrease public transportation options in the area. The Project will not preclude opportunities for future, independent projects that support additional transit service or operational strategies. This Project will enable reduced automobile dependency by improving bicycle and pedestrian infrastructure and creating new east-west connections for all forms of transit.

"Complete Streets" roadway design features will be implemented along the reconstructed Humboldt Parkway. The Project also includes rehabilitation of City of Buffalo Streets adjacent to the transportation corridor. The bounding street limits for this work are generally High Street to the south, Northland Avenue to the north, Fillmore Avenue to the east, and Wohlers Avenue to the west. Rehabilitation (1R) with multi-modal upgrades are anticipated on these streets.

## F. Coordinated, Community-Based Planning:

Past experience has shown that early and continuing input in the transportation planning process leads to better decisions and more effective use of limited resources. For information on community based planning efforts, the MPO may be a good resource if the project is located within the MPO planning area.

(Addresses SG Law criteria g and h: to coordinate between state and local government and inter-municipal and regional planning; to participate in community based planning and collaboration.)

1. Has there been participation in community-based planning and collaboration on the project?

Yes  No  N/A

2. Is the project consistent with local plans?

Yes  No  N/A

3. Is the project consistent with county, regional, and state plans?

Yes  No  N/A

4. Has there been coordination between inter-municipal/regional planning and state planning on the project?

Yes  No  N/A

**Explain:** (use this space to expand on your answers above)

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The FHWA and NYSDOT have provided, and will continue to provide, meaningful opportunities for public and agency participation throughout the project development process. The environmental provisions in 23 USC §139 require that joint lead agencies (FHWA and NYSDOT) establish a plan for coordinating public and agency participation and comment on the environmental review process for a Project. Accordingly, a Joint Agency Coordination Plan/Public Involvement Plan (ACP/PIP) has been developed, which describes the process and communication methods for coordinating with the agencies involved in the Project and providing meaningful opportunities for public involvement. The Joint ACP/PIP contains an Environmental Justice Public Engagement Plan that describes methods for targeted outreach to identified EJ communities in the vicinity of the Project.

An official stakeholder group for the Project was identified in the Fall of 2016. Several stakeholder meetings related to the project were held between the Fall of 2016 and the Fall of 2019. A public scoping meeting for the Project was held on June 30, 2022, followed by a 30-day comment period. In November 2022, NYSDOT held the first of a series of ongoing monthly meetings with key stakeholder group representatives. These meetings provide for an ongoing two-way dialogue about the Project status, design, and environmental review processes. A Public Information Meeting was held on June 20, 2023. A Public Hearing will be held and will be followed by a 45-day comment period.

On November 1, 2022, the NYSDOT opened a community outreach office in the FellowshipWorld Church at 878 Humboldt Parkway. The office is centrally located within the defined transportation corridor, in a community with environmental justice populations, and is transit-accessible (direct service by NFTA Route #12 on East Utica Street). The office is ADA-accessible. The purpose of the office is to provide a resource for members of the public to access information, ask questions, provide input, and learn about the NYS Route 33 Kensington Expressway Project.

The Project is consistent with local plans, including the City of Buffalo's Four-Year Strategic Plan (2023-2027). The plan is the City's current strategic plan to address its long-term challenges. The Four-Year Strategic Plan prioritizes four areas: thriving neighborhoods and people, smart and sustainable infrastructure, climate resilience, and economic opportunities and mobility.

## G. Stewardship of Natural and Cultural Resources:

Clean water, clean air and natural open land are essential elements of public health and quality of life for New York State residents, visitors, and future generations. Restoring and protecting natural assets, and open space, promoting energy efficiency, and green building, should be incorporated into all land use and infrastructure planning decisions.

(Addresses SG Law criterion d :To protect, preserve and enhance the State's resources, including agricultural land, forests surface and ground water, air quality, recreation and open space, scenic areas and significant historic and archeological resources.)

1. Will the project protect, preserve, and/or enhance agricultural land and/or forests?



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Yes  No  N/A

2. Will the project protect, preserve, and/or enhance surface water and/or groundwater?

Yes  No  N/A

3. Will the project protect, preserve, and/or enhance air quality?

Yes  No  N/A

4. Will the project protect, preserve, and/or enhance recreation and/or open space?

Yes  No  N/A

5. Will the project protect, preserve, and/or enhance scenic areas?

Yes  No  N/A

6. Will the project protect, preserve, and/or enhance historic and/or archeological resources?

Yes  No  N/A

**Explain:** (use this space to expand on your answers above)

The Project is not located within an area of agricultural land or forests, or within any scenic areas. Stormwater management practices will be implemented. There will be a slight decrease in VMTs as well as a decrease in greenhouse gas emissions. Air quality will be below the National Ambient Air Quality Standards and will decrease along the tunnel cap. There is a large recreational space adjacent to the project corridor (Martin Luther King, Jr. Park). There will be no permanent right-of-way acquisition that would change underlying recreational uses. Approximately 12 acres of additional greenspace which will function as a recreational area will be created as a result of this Project. There will be no adverse effect on historic or cultural properties.

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## Smart Growth Impact Statement (STEP 2)

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**NYSDOT:** Complete a Smart Growth Impact Statement (SGIS) below using the information from the Screening Tool.

**Local Sponsors:** The local sponsors are **not** responsible for completing a Smart Growth Impact Statement. Proceed to **Step 3**.

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### Smart Growth Impact Statement

**PIN: 5512.52**

#### **Project Name: NYS Route 33, Kensington Expressway Project**

Pursuant to ECL Article 6, this project is compliant with the New York State Smart Growth Public Infrastructure Policy Act. This project has been determined to meet the relevant criteria, to the extent practicable, described in ECL Sec. 6-0107. Specifically, the project:

- Advances the use, maintenance, or improvement of existing infrastructure
- Advances a project located in a municipal center
- Advances a project in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area
- Participates in community-based planning and collaboration
- Enables the reduction of automobile dependency and improves bicycle and pedestrian facilities
- Creates new greenspace and reduces GHG emissions.

This publically supported infrastructure project complies with the state policy of maximizing the social, economic and environmental benefits from public infrastructure development. The project will not contribute to the unnecessary costs of sprawl development, including environmental degradation, disinvestment in urban and suburban communities, or loss of open space induced by sprawl.

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## Review & Attestation Instructions (STEP 3)

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**Local Sponsors:** Once the Smart Growth Screening Tool is completed, the next step is to submit the project certification statement (**Section A**) to Responsible Local Official for signature. After signing the document, the completed Screening Tool and Certification statement should be sent to NYSDOT for review as noted below.

**NYSDOT:** For state-let projects, the Screening Tool and SGIS is forwarded to Regional Director/ RPPM/Main Office Program Director or designee for review, and upon approval, the attestation is signed (**Section B.2**). For locally administered projects, the sponsor's submission and certification statement is reviewed by NYSDOT staff, the appropriate box (**Section B.1**) is checked, and the attestation is signed (Section B.2).

### A. CERTIFICATION (LOCAL PROJECT)

*I HEREBY CERTIFY, to the best of my knowledge, all of the above to be true and correct.*

Preparer of this document:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

Responsible Local Official (for local projects):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

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## B. ATTESTATION (NYSDOT)

### 1. I HEREBY:

Concur with the above certification, thereby attesting that this project is in compliance with the State Smart Growth Public Infrastructure Policy Act

Concur with the above certification, with the following conditions (information requests, confirming studies, project modifications, etc.):

(Attach additional sheets as needed)

do not concur with the above certification, thereby deeming this project ineligible to be a recipient of State funding or a subrecipient of Federal funding in accordance with the State Smart Growth Public Infrastructure Policy Act.

2. **NOW THEREFORE**, pursuant to ECL Article 6, this project is compliant with the New York State Smart Growth Public Infrastructure Policy Act, to the extent practicable, as described in the attached Smart Growth Impact Statement.

NYSDOT Commissioner, Regional Director, MO Program Director,  
Regional Planning & Programming Manager (or official designee):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name